

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE: YASMIN AND YAZ (DROSPIRENONE)
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

)
) 3:09-md-02100-DRH-PMF
)
) MDL No. 2100
)

This Document Relates to:

*Ashley Williamson v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:12-cv-11133-DRH-PMF

ORDER OF DISMISSAL WITHOUT PREJUDICE
(Failure To Comply With PFS Obligations)

HERNDON, District Judge:

This matter is before the Court on the Bayer defendants' motion, pursuant to Case Management Order 12 ("CMO 12")¹ for an order of dismissal, without prejudice, of the plaintiff's claims in the above captioned case for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

Under Section C of CMO 12, each plaintiff is required to serve defendants with a completed PFS, including a signed declaration, executed record release authorizations, and copies of all documents subject to the requests for production contained in the PFS which are in the possession of plaintiff. Section B of CMO 12 further provides that a completed PFS is due "45 days from the date of service of the first answer to her Complaint or the docketing of her case in this MDL, or 45 days from the date of this Order, whichever is later."

¹ The parties negotiated and agreed to CMO 12, which expressly provides that the discovery required of plaintiffs is not objectionable. CMO 12 § A(2).

Accordingly, the plaintiff in the above-captioned matter was to have served complete Fact Sheets in October of 2012. Notice of Overdue Discovery was sent on November 20, 2012. As of the filing of Bayer's motion to dismiss, Bayer still had not received completed PFS materials from the plaintiff.

Under Section E of CMO 12, the **plaintiff was given 14 days from the date of Bayer's motion** to file a response either certifying that she served upon defendants and defendants received a completed PFS, and attaching appropriate documentation of receipt or an opposition to defendant's motion.

To date, the plaintiff has not filed a response. Because the plaintiff has failed to respond to Bayer's allegations, the Court finds that plaintiff has failed to comply with her PFS obligations under CMO 12. **Accordingly, the above captioned case is dismissed without prejudice.**

The Court reminds plaintiff that, pursuant to CMO 12 Section E, **unless she serves the defendants with a COMPLETED PFS or moves to vacate the dismissal without prejudice within 60 days after entry of this Order, the**

Order will be converted to a Dismissal With Prejudice upon defendants' motion.

IT IS SO ORDERED.

Signed this 19th day of March, 2015.

 Digitally signed by
David R. Herndon
Date: 2015.03.19
16:21:07 -05'00'

United States District Judge